

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

STEVEN L. MCNAIR,

Petitioner,

v.

LIN NORWOOD, et al.,

Respondents.

Civil No. 09-5853 (RBK)

ORDER

It appearing that:

1. On November 17, 2009, Petitioner filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 challenging the Bureau of Prisons' determination that to place him in a community corrections center for the final 180 days of his sentence, which is scheduled to expire on July 20, 2010. Petitioner asserts that he appealed the Regional Director's decision dated October 16, 2009, to the Central Office.

2. In accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b), see 28 U.S.C. § 2254 Rules 1(b), 4, this Court screened the Petition for dismissal and determined that dismissal without an answer and the record is not warranted.

IT IS on this 11th day of January, 2010,

ORDERED that, within 30 days of the date of the entry of this Order, Petitioner shall either pay the \$5.00 filing fee or file an application to proceed in forma pauperis; and it is further

ORDERED that the Clerk shall serve a copy of the Petition and this Order by certified mail, return receipt requested, upon Respondents; and it is further

ORDERED the Clerk shall forward, electronically or by regular mail, a copy of the Petition and this Order to the Chief, Civil Division, United States Attorney's Office, 970 Broad Street, Room 700, Newark, NJ 07102; and it is further

ORDERED that, within 45 days of the date of the entry of this Order, Respondents shall electronically file an answer which responds to the allegations and grounds in the Petition, and asserts all affirmative defenses; and it is further

ORDERED that Respondents shall not file a motion to dismiss the Petition or a request to file a motion to dismiss the Petition, in lieu of an answer; and it is further

ORDERED that Respondents shall electronically file with the answer certified copies of all documents necessary to resolve Petitioner's claim(s) and affirmative defenses; and it is further

ORDERED that, within 30 days of receipt of the answer, Petitioner shall file and serve a reply to the answer; and it is further

ORDERED that, within 7 days of Petitioner's release, to a community corrections center or otherwise, Respondents shall electronically file a written notice of the same with the Clerk; and it is finally

ORDERED that the Clerk shall serve this Order on Petitioner by regular mail, together with a blank application to proceed in forma pauperis in a habeas case.

s/Robert B. Kugler
ROBERT B. KUGLER, U.S.D.J.